

PROBATE CALENDAR NOTES

July 24, 2020

8:30 AM, Department 40

Placer County Superior Court

UPDATED July 20, 2020, 3:00 PM

All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:

Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties.

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **July 24, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

1. S-PR-0007172 Oppenheim Fam Trust; In re the

Third trust account is recommended for approval as prayed.

2. S-PR-0009279 Delores A Keary Rev Trust; In re the

Appearance is required for status hearing. It is recommended this matter be ordered transferred to the Contra Costa County Superior Court.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

3. S-PR-0009433 Zissis, Iris June-In Re Estate of

Appearance is required for hearing on petition to remove personal representatives.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

4. S-PR-0009616 Higgins, George P.-In Re the Estate of

Current status concerning ex parte application to deposit funds into blocked account is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

5. S-PR-0009892 Marsh, Mary Frances; In re the estate of

Petition for final distribution is recommended for approval as prayed.

6. S-PR-0009900 Oppenheim, Maurice - In re the Estate of

Petition for final distribution is recommended for approval as prayed.

7. S-PR-0009956 Marie Smith Rev Trust; In re the

The stipulation and order re settlement agreement was executed by the court and filed. It is recommended the hearings on the petition to remove successor trustee and amended first trust account be dropped.

8. S-PR-0009982 Ayres, Christopher David- In re the Estate of

Petition for final distribution is recommended for approval as prayed.

9. S-PR-0010000 Josefina S Guiuan Liv Trust; In re the

Appearance is required for continued hearing on petition to determine trust property.

Missing amended petition to determine trust property. The minutes of the January 17 hearing indicate an amended petition was anticipated for the March 27 hearing. None was filed.

It is recommended the petition to determine trust property be denied. There is no evidence of trust funding of the subject accounts by settlor. The "release" by Merlo Guiuan does not mention one of the subject accounts and appears to be insufficient to transfer the accounts to the trustee. This recommendation is not a tentative ruling on the merits of the petition. Local Rule 80.1.4.

Current status is needed. Petitioner previously reported an intention to file a related petition or case, which may be the pending petition in S-PR-0009034, *In re the Josefina S Guiuan Liv Trust* currently set for hearing August 28, 2020.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

10. S-PR-0010111 Moreland, Donna L. - In re the Estate of

Notice of hearing filed June 15 (for the prior hearing) does not refer to the amended petition. Notice is required to accurately describe the petition, C.R.C. 7.50.

Missing new publication for amended petition. C.R.C. 7.53(a).

Missing required allegations at 5a(7)-(8) (issue of predeceased child(ren)).

Clarification is needed: ¶¶ 5 & 8 allege that decedent was survived by children ; ¶ 6h and ¶ 7b both allege decedent was survived by no issue (both ¶¶ 6 & 7 are used only if no spouse or issue survived).

Note: signed duties form (DE-147) was not filed. Clerk cannot issue letters until signed duties form is filed.

Continuance request: petitioner requests this matter be continued to August 7, 2020, 8:30 a.m., in Department 40.

11. S-PR-0010119 2004 Regan Fam Rev Trust; In re the

Appearance is required for continued hearing on petition to remove trustee and for other relief.

Missing notice of hearing. Missing service of notice of hearing to Courtney Regan.

☎ As described above, to appear for the hearing, use of remote telephone

appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

12. S-PR-0010221 Poe, Stanley Maurice – In re the Estate of

Petition to administer estate is recommended for approval as prayed.

13. S-PR-0010300 Avant, Lemoine - In Re Estate of

Petition to administer estate is recommended for approval as prayed.

14. S-PR-0010305 Christopher L Clair & Ruth Riott Clair Fam Trust; In re the

Appearance is required for hearing on petition to remove trustee and disqualify named successor co-trustee from service as trustee.

Missing direct service to Ruth Clair. Service in care of another person is insufficient absent Ruth's written direction for such service. C.R.C. 7.51.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

15. S-PR-0010314 Bradley, Walter Bryant Jr. ; In re the Estate of

Petition to administer estate, as supplemented by amendment to petition, is recommended for approval as prayed.

It is recommended the court set a status / review hearing in 90-120 days to confirm opening of blocked account and filing I&A.

16. S-PR-0010318 Montgomery, Robert N. - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.

17. S-PR-0010322 Virginia L. Zimmerman Fam Trust- In re the

Appearance is required for hearing on petition to determine invalidity of trust amendment and for other relief.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

18. S-PR-0010323 Hart, Christopher ; In re the Estate of

Notice of hearing as filed, served, and published omits required ¶ 4 concerning admission of the will to probate. New notice, service, and publication appear to be needed.

Clarification is needed: proposed will does not name any executor. If the will is admitted to probate, it appears petitioner may only be appointed administrator with will annexed, not executor.

Clarification is needed: typewritten transcription of holographic will appears to omit apparent will language concerning "cars, trucks, Harley" etc.

Clarification is needed: typewritten portion off the will (no-contest portion) is printed on different paper than the will and was executed separately, possibly with a different pen, suggesting decedent may have intended it to be a codicil. Petitioner should clarify whether the will is offered (i) without the typewritten portion; (ii) with the typewritten portion as a component of the original will; (iii) with the typewritten portion as a codicil; or (iv) otherwise.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

19. S-PR-0010324 Margaret M. Dutra 1992 Trust; In re the

Petition to modify irrevocable trust is recommended or approval as prayed.

20. S-PR-0010328 Clement, James Wesley ; In re the Estate of

Notice of hearing as filed, served, and published incorrectly includes ¶ 4 concerning admission of a will to probate. No will is offered for probate.

Continuance request

Petitioner requests this matter be continued to September 11, 2020, 8:30 a.m., in Department 40.

21. S-PR-0010329 Hoyt Jr., Brian Waide - In Re the Estate Of

Missing verification by successor in interest Vincent Waide Hoyt. Verification by each successor is required Prob.C. §§ 13151 & 13152(a). Petitioner offers no points and authorities showing that a CUTMA custodian is a successor for purposes of §§ 13151 & 13152.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

22. S-PR-0010330 Leal, Joseph C Jr - In Re the Estate Of

Missing original will, Prob.C. § 8200(a). Although a notice of lodging the original will was filed, the court cannot locate any original will filed or lodged by petitioner.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

23. S-PR-0010331 Sawdey, Timothy - In Re the Estate Of

Petition to administer estate is recommended for approval as prayed.

24. S-PR-0010334 England, Jacqueline M. - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.